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Dawn M. Sciarrino, Esq.
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5425 Tree Line Drive
Centreville, VA 20120

MAR 22 2011

Re: BMP-San Antonio License Company, L.P.
KZDC(AM), San Antonio, Texas
Facility ID Number: 65330
File Number: BP-20101206AAP

Dear Ms. Sciarrino:

This is in reference to the above-captioned application of BMP-San Antonio License Company, L.P. ("BMP") to reduce the nighttime power from 1 kW to 0.92 kW, change the nighttime directional antenna system and relocate the transmitter site of radio station KZDC(AM), San Antonio, Texas. We note that BMP requests for a waiver of 47 C.F.R. §§ 73.182(q) and 73.24(i) in the application. We will grant the waiver request and withhold action on the application for the following reasons.

Waiver Request. BMP requests for waiver of 47 C.F.R. § 73.182(q) because the KZDC(AM) existing contribution of 11.62 mV/m enters the 50% RSS of co-channel station KIKZ(AM), Seminole, Texas. Section 73.182(q) requires that a proposal for an existing station must reduce its existing contribution to another station's RSS by 10%, if the existing contribution enters the other station's 50% RSS limit. KZDC(AM)'s proposed operation enters into the 50% RSS of KIKZ(AM) and reduces only by 0.81% of its licensed RSS contribution. In addition, BMP requests for a waiver of 47 C.F.R. § 73.24(i) because the proposed nighttime interference free (NIF) contour of 10.43 mV/m covers less than 80% of San Antonio, Texas, in violation of 47 C.F.R. § 73.24(i).¹

In supports of its request for waiver of 47 C.F.R. § 73.182(q), BMP states that: 1) The San Antonio Metro area is very large and difficult to cover with a relatively low power AM station; 2) it lost the site lease and the proposed site is an existing site which would provide the best coverage and meet the Commission's protection requirements; and 3) further power reduction would adversely affect the nighttime population coverage of station KZDC(AM). We agree with these findings, and find that the facts and circumstances set forth in the application are sufficient to establish that a grant of the requested waiver would serve the public interest. In the past, the Commission had previously, under similar circumstances, granted waivers the 10% signal reduction requirement. *See Letter to James P. Riley, Esq. (WFIL, Philadelphia, PA)*, Ref 1800B2-JBS (Dennis Williams, Asst. Chief, Audio Services Division, October 10, 1996). Also, in the past the Commission had granted the request for waiver of 47 C.F.R. § 73.24(i) when there was a net improvement of service. In this case, we find that the proposal will increase the

¹ Section 73.24(i) requires the NIF contour of an AM station must cover at least 80% of city of license.

will increase the coverage to San Antonio from 460.14 to 639.6 square kilometers. Accordingly, BMP's requests for waiver of 47 C.F.R. § 182 and 73.24(i) are hereby GRANTED.

A preliminary review of the application reveals the following deficiencies:

Tower registration. Tower #5 must be registered and BMP must resolve the error found between KZDC(AM)'s NAD(87) center of array NL 29°29'49.8" WL 98°24'58" and the NAD87 center of array coordinates in tower registration numbers 1022081, 1022082, 1022083 and 1022084 (NL29°29'50" WL98°24'53").

Environmental. In Section III-A, Item 11 of the application, BMP certifies that the proposal is categorically excluded from environmental processing under 47 C.F.R. § 1.1306. However, in the Engineering Statement attached to the application, BMP states that "...the proposed site is the existing KTSA site, located in the northeast portion of San Antonio in Bexar County, Texas. No significant disturbance of the property will be required to construct the proposed facilities. Minor excavation will be required for construction of one new [125-meter/410-foot] tower and a small transmitter building. Plowing of the radial to a maximum distance of 400 feet from each tower will be required for installation. No other significant ground work will be required...The KTSA site was originally constructed in 1948, has been in continuous use by Station KTSA since that time and is believed to be exempt from the environmental processing Rules of the Commission and the Tribal Notification Process.

We find these statements are insufficient and unpersuasive that the application is categorically excluded from environmental processing, particularly given that BMP proposes construction of a new 410-foot tower and excavation for ground radials extending 400 feet. BMP must evaluate the project's potential effects with respect to each environmental category listed in 47 C.F.R. §§ 1.1306(b) and 1.1307(a) and amend its application to provide either an unqualified certification supported by a declaration that: (1) BMP or its agents or consultants have evaluated the proposal's potential effect on each environmental category listed in 47 C.F.R. §§ 1.1306(b) and 1.1307(a) and there will be no significant impact with respect to any of them; or (2) an environmental assessment as specified in 47 C.F.R. §§ 1.1307 and 1.1311.

Further action on the subject application will be withheld for thirty (30) days from the date of this letter in order to provide BMP an opportunity to file a curative electronic amendment. Any curative amendment must be a minor change with respect to the previously filed technical submission. Failure to respond or file an amendment within this time period will result in the dismissal of the application pursuant to 47 C.F.R. § 73.3568.

Sincerely,



Son Nguyen,
Supervisory Engineer
Audio Division
Media Bureau

cc: BMP-San Antonio License Company, L.P.
J.S. Sellmeyer, P.E.